

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1215**

ORIGINAL

T06-0084

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the BNSF Railway Company ("BNSF" or "Company"), Galva Township Road District ("Road District"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through correspondence from the Road District that inquiry should be made into the matter of improving public safety at the TR 354/2260E highway-rail grade crossing of the Company's tracks near the City of Galva, Henry County, designated as crossing AAR/DOT #079 749M; railroad milepost 136.83-A; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the Commission's Transportation Division Railroad Section has determined that the existing vehicular traffic volume of physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and other pertinent data relating to the crossing has been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossings upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the promises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("Fund") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossings should be:

- (a) Vacation of TR 354/2260E highway-rail grade crossing of the Company's tracks, by the Road District.

DOCKETED

- (b) Installation of temporary Type-III barricades conforming to the requirements of 92 Illinois Administrative Code 1535.701 and the Manual on Uniform Traffic Control Devices, by the Company.
- (c) Removal of the existing grade crossing surface and passive warning signs at the existing TR 354/2260E highway-rail grade crossing, by the Company.
- (d) Installation of permanent barricades conforming to the requirements of 92 Illinois Administrative Code 1535.701 and the Manual on Uniform Traffic Control Devices, by the Company.
- (e) Payment as detailed *infra* from the Grade Crossing Protection Fund to the Road District for voluntary closure of the TR 354/2260E highway-rail grade crossing, by IDOT.

Section 3 The Road District shall pass a local ordinance vacating TR 354/2260E, with a stipulation that final vacation of the roadway shall not take place until a Commission Order has been issued authorizing an incentive payment from the Grade Crossing Protection Fund for closure of the TR 354/2260E highway-rail grade crossing. Following passage of the local vacation ordinance, the Company shall erect temporary barricades to prevent vehicular access to the TR 354/2260E crossing. The temporary barricades shall be erected by the Company within three (3) business days from the date the vacation ordinance was passed by the Road District. The Company will be responsible for all costs to erect and maintain the temporary barricades.

Section 4 The Company shall upon Order, according to the requirements contained therein, remove the crossing surfaces and passive warning signs at the TR 354/2260E highway-rail grade crossing. The work shall be completed within sixty (60) days after the Company receives a copy of the Order. BNSF shall provide all parties with notice that the work has been complete within five (5) days of completion. Notice may be provided by regular mail, electronic mail, phone or FAX.

The Company shall upon Order, according to the requirements contained therein, install permanent barricades on both sides of the TR 354/2260E grade crossing at the Company's right of way (ROW) limits. The work shall be completed within thirty (30) days after the Company receives a copy of the Order. The Company shall provide all parties with notice that the work has been complete within five (5) days of completion. Notice may be provided by regular mail, electronic mail, phone or FAX. Prior to the Company's installation of the permanent barricades, BNSF shall identify its ROW limits at the TR 354/2260E grade crossing.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

| IMPROVEMENT | EST. COST | GCPF | ROAD DISTRICT | COMPANY | IDOT |
|--|----------------------|---------------------------------|------------------|---------------------------|----------------------|
| Vacate TR 354/2260E by Local Ordinance; | No Estimate Required | \$0 | 100% | \$0 | |
| Remove Existing Surface and Warning Signs at the TR 354/2260E grade crossing | No Estimate Required | \$0 | \$0 | 100% | |
| Install Temporary/Permanent Barricades at the TR 354/2260E grade crossing | No Estimate Required | \$0 | \$0 ⁴ | 100% ^{2 & 3} | |
| Provide Grade Crossing Protection Fund Incentive Payment for Voluntary Closure of the TR 354/2260E grade crossing. | \$50,000 | 100% ¹ (\$50,000) | \$0 | \$0 | |
| Provide Incentive Payment for Voluntary Closure of the TR 354/2260E grade crossing. | \$20,000 | \$0 | \$0 | \$20,000 | \$7,500 ⁵ |
| TOTALS | \$77,500 | \$50,000 | \$----- | \$20,000 | \$7,500 |

[Totals do not reflect costs where no estimates were provided.]

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) payment not to exceed \$50,000 for the Road District's voluntary closure of the TR 354/2260E crossing.

² The Company shall be responsible for all costs associated with erecting and maintaining temporary barricades to prevent vehicular access to the TR 354/2260E highway-rail grade crossing.

³ The Company shall identify its right of way (ROW) limits at the TR 354/2260E grade crossing for the Company prior to the installation of the permanent barricades.

⁴ The Road District shall be responsible for all costs associated with maintaining the permanent barricades.

⁵ The Road District has applied to IDOT for federal assistance for the closure.

Section 6 The Road District is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached and incorporated herein by reference as Exhibit B.

Section 7 Special Provisions: The Road District shall submit a certified copy of the local vacation ordinance to all parties, as evidence that the roadways have been vacated. The Road District shall submit the vacation ordinance to all parties, via registered mail, at the same time as the Execution Page of this Agreement is submitted to the Commission.

The Department shall utilize \$7,500 in federal funding for an incentive payment to the Road District. Eligibility for IDOT's \$7,500 payment to the Road district is based on the requirement that the authorization of the \$7,500 by the Federal Highway Administration shall be approved prior to the physical closure of the roadway crossing by the Road District or the Company. If the closure of the crossing takes place prior to federal authorization, IDOT will not participate in, nor will it be responsible for the \$7,500 federal funding payment as herein outlined. The \$7,500 payment by the Department shall be

used by the Road district for roadway safety related expenses. The Road District shall submit its request for the \$7,500 federal incentive payment to the District 2 Office of the Illinois Department of Transportation at the following address: Gregg Mounts Attn: Jason Nelson, Engineer of Local Roads and Streets, 819 Depot Avenue, Dixon, IL 61021. The request for payment shall include the location, ICC docket number, as well as including the following information: Section 06-11118-00-SP, Project No. RRP-073(54), Job No. C-92-003-07. Upon receipt of the request for payment for the \$7,500 incentive payment from the Road District, IDOT District 2 Bureau of Local Roads and Streets shall prepare an invoice to be submitted to Jim Layden of the Fiscal Control Unit in the Central Bureau of Local Roads and Streets for payment to the Road District. The Road District may use the Grade Crossing Protection Funds granted in return for the voluntary closing of the TR-354/2260E crossing, only for the purposes IDOT allows for Motor Fuel Tax funds. The federal funds in the amount of \$7,500 to be granted in return for the closing of the TR-354/2260E crossing shall only be used for roadway safety related expenses.

Within sixty (60) days from receipt of the Commission Order, the Department shall issue a check for \$50,000 as payment from the Grade Crossing Protection Fund to the Motor Fuel Tax to the Road District for voluntary closure of the crossing, subject of this agreement. The Department shall notify all parties when the check has been issued. Notice may be provided by regular mail, electronic mail, phone or FAX.

Upon receipt of the Commission Order, the Company shall remove the crossing surfaces and passive warning devices at the TR 354/2260E highway-rail grade crossing. The Company shall install permanent barricades at the Company's ROW line. The permanent barricades shall conform to the requirements of 92 Illinois Administrative Code, Part 1535.701, and the Manual on Uniform Traffic Control Devices. The Road District shall install the appropriate regulatory and warning signs conforming to the requirements of the Manual on Uniform Traffic Control Devices. All barricades and warning signs are to be maintained by the Road District.

The Road District and the Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits C and C1 respectively, along with this executed Agreement.

The Company and the Road District shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibits C and C1, regarding the progress it has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company and the Road District Project Manager.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an

appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

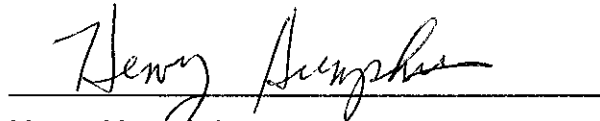
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 24th day of July 2006.

A handwritten signature in dark ink, appearing to read "Michael E. Stead", written over a horizontal line.

Michael E. Stead
Rail Safety Program Administrator

Attest:

A handwritten signature in dark ink, appearing to read "Henry Humphries", written over a horizontal line.

Henry Humphries
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1215, executed by Commission Staff on July 24, 2006, concerning vacation of the TR 354/2260E (AAR/DOT #079 749M; railroad milepost 136.83-A) highway-rail grade crossing of the BNSF Railway Company's tracks, located near the City of Galva, Henry County, Illinois.

Executed by BNSF Railway Company this 29th day of August 2006.

BNSF RAILWAY COMPANY

By: Craig Rasmussen

RECEIVED
SEP 1 2006

Illinois Commerce Commission
RAIL SAFETY SECTION

Attest:

Ronald A. Bell

Illinois Commerce Commission Stipulated Agreement No. 1215, executed by Commission Staff on July 24, 2006, concerning vacation of the TR 354/2260E (AAR/DOT #079 749M; railroad milepost 136.83-A) highway-rail grade crossing of the BNSF Railway Company's tracks, located near the City of Galva, Henry County, Illinois.

Executed by Galva Township Road District this 12 day of September 2006.

GALVA TOWNSHIP ROAD DISTRICT

By: Ron Weinkeiser

Attest:

Dennis O. Stepha

Illinois Commerce Commission Stipulated Agreement No. 1215, executed by Commission Staff on July 24, 2006, concerning vacation of the TR 354/2260E (AAR/DOT #079 749M; railroad milepost 136.83-A) highway-rail grade crossing of the BNSF Railway Company's tracks, located near the City of Galva, Henry County, Illinois.

Executed by the Illinois Department of Transportation this 22nd day of September 2006.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

A handwritten signature in black ink, appearing to read 'Milton R. Sees', written over a horizontal line.

By: Milton R. Sees, Director of Highways/ Chief Engineer

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

| | |
|-----------------------------|--|
| RAILROAD | BNSF |
| USDOT#, MILEPOST | 079 749M; 136.83-A |
| STREET, CITY, COUNTY | TR 354 (2250E), near Galva, Henry County |
| JURISDICTION (RDWY) | Galva Township Road District |
| LOCATION | Local, Rural |
| STREET SURFACE | E-14', W-14'; Gravel; Condition - Fair |

CROSSING DATA: Also see Location Sketch for roadway profile and track centers

| TRACK (W-E) | SURFACE TYPE | SURFACE WIDTH | SURFACE CONDITION |
|------------------------|---------------------|----------------------|------------------------------|
| WB | Timber/Asphalt | 16' | Fair |
| EB | Timber/Asphalt | 16' | Fair |

ROADWAY DATA: See Location Sketch

| | |
|----------------------------|---|
| INTERSECTING ROADS: | Trolley Road – 50' East |
| TRAFFIC CONTROL | Stop Sign |
| ADT & SPEED | 25 Vehicles Per Day @ 55 MPH |
| TRAFFIC TYPE | Passenger, School Buses, Hazardous Materials, Other |
| ADVANCE WARNING | Yes |
| PAVEMENT MARKING | No |

RAILROAD DATA: See Location Sketch

| | |
|--------------------------|---------------------------------------|
| FREIGHT TRAFFIC | 20 Per day @ 79 MPH; Day & Night? Yes |
| PASSENGER TRAFFIC | N/A |
| WARNING DEVICES | Crossbucks/STOP Signs |

NOTES:

VISIBILITY STUDY: See Location Sketch

| | | |
|--|-----|-------------|
| Train Speed | 79 | MPH |
| Roadway Speed | 55 | MPH |
| Required Stopping Sight Distance (SSD) | | |
| Along Roadway | N/A | FEET |
| Along Tracks | N/A | FEET |
| Required Clearing Sight Distance (CSD) (Along Tracks) | N/A | FEET |

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

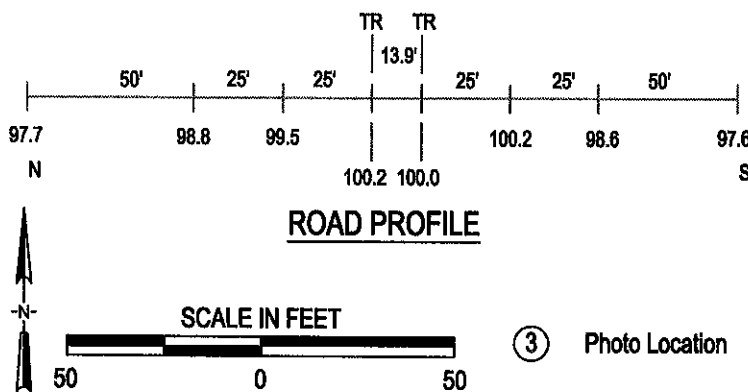
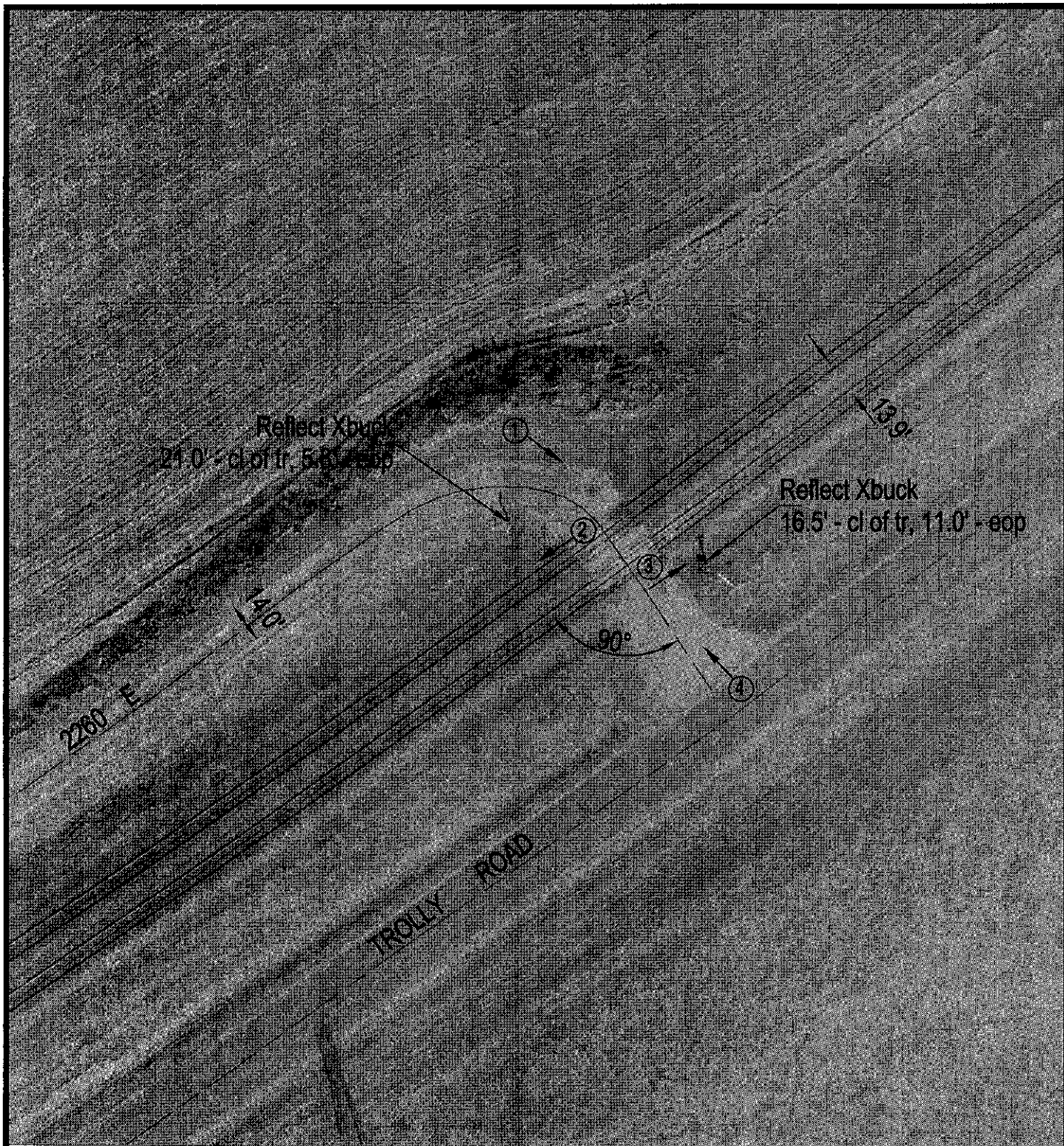
| QUADRANT | CSD (FT) | OBSTRUCTION | SSD (FT) | OBSTRUCTION |
|-----------------|---------------------|--------------------|---------------------|--------------------|
| NE | * | | * | |
| NW | * | | * | |
| SE | * | | * | |
| SW | * | | * | |

APPROACH GRADES: See Location Sketch

| DIRECTION: NORTH | | | DIRECTION: SOUTH | | |
|--------------------------|---------------------------|----------------------|--------------------------|---------------------------|----------------------|
| DISTANCE (FT) | ELEVATION (FT) | GRADE (%) | DISTANCE (FT) | ELEVATION (FT) | GRADE (%) |
| | | | | | |
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COMMENTS:

See Page Three for a Location Sketch (Aerial View) of the crossing.



Crossing #: 079749M

Location: Henry Co., City of Galva (Near)

Lat/Long: 41°11'06" / 90°00'05"

Railroad: BNSF

Street: 2260 E

Railroad Milepost: 136.83

Crossing Protection: Sign

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date 9/12/2006

Agreement 1215

The Board or Council of Galva Township Road District meeting on
9/12/2006, Resolved to authorize

(Date)

Ron Werkheiser
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and
that Galva Township Road District is financially willing and able to bear the cost for
the proposed improvements as may be assigned to it according to Section 5 of this
Agreement.

STATE OF ILLINOIS)
) SS
COUNTY OF HENRY)

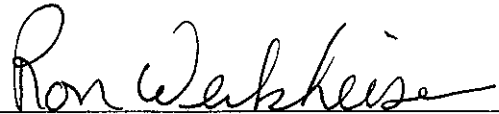
FINAL ORDER OF GALVA TOWNSHIP
ROAD COMMISSIONER TO VACATE ROADWAY

The undersigned, Ron Werkheiser, GALVA TOWNSHIP ROAD DISTRICT ROAD COMMISSIONER, does hereby enter this FINAL ORDER for the vacation of the roadway hereinafter described, and in support hereof states as follows:

1. The ROAD VACATION PROCEEDING was initiated by CERTIFICATE pursuant to **605 ILCS 5/6-303.**
2. I do hereby specifically find that the vacation of the roadway described in the CITATION is in the public and economic interest of the residents of GALVA TOWNSHIP. **605 ILCS 5/6-305.**
3. I do further find that any person residing or owning land within two miles of any portion of the road hereby vacated does have reasonable access by way of a motor vehicle or other portable farm machinery commonly used in the area to farm land he owns or operates, and to community and trade centers after the vacation of said roadway. **605 ILCS 5/6-305.**
4. A copy of this FINAL ORDER will be filed with the GALVA TOWNSHIP ROAD DISTRICT CLERK, HENRY COUNTY ENGINEER Steven L Brandau, and a copy will be recorded with the HENRY COUNTY RECORDER OF DEEDS as provided by Illinois Law. **605 ILCS 5/6-311, 5/6-313, AND 5/6-329.**
5. The vacation shall take effect upon final order being issued by the Illinois Commerce Commission.

Dated: September 12, 2006

GALVA TOWNSHIP ROAD DISTRICT



By: Ron Werkheiser, Road Commissioner

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

| | |
|-------------------------|--|
| PROGRESS | |
| COMPLETION ¹ | |

| | |
|------|---------|
| DATE | 9/12/04 |
|------|---------|

PROJECT INFORMATION:

| | |
|--------------------------------------|------------------------------|
| Reporting Party: | Galva Township Road District |
| Docket/Order #; Date: | |
| Status Reports Due: | |
| Ordered Completion Date: | |
| Completion Report Due ¹ : | |
| AAR/DOT#, RR Milepost: | 079 749M, 136.83-A |
| Street, (in/near) City, County: | TR354/2250E |
| Railroad Company: | BNSF |

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

| | |
|-------------------|------------------------------|
| Name: | Steven Brandao |
| Title: | Henry County |
| Representing: | Galva Township Road District |
| Street Address: | 210 S MAIN |
| City, State, Zip: | CAMBRIDGE, IL. 61238 |
| Office Phone: | (309) 937-3346 |
| Office Fax: | (309) 937-3348 |
| Cellular Phone: | |
| E-Mail Address: | sbrandao@henrycty.com |

²Project Manager information to be submitted by Galva Township Road District

DESCRIPTION OF IMPROVEMENTS ORDERED:

Close, abolish and install barricades at the TR 354/2250E highway-rail grade crossing near Galva, Henry County.

STATUS OF WORK: (use additional blank sheet, if necessary)

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Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701-1827

If you have questions contact:

Henry Humphries, Railroad Safety Specialist
Phone: 217/785-8423
Email: hhumphri@icc.illinois.gov

A **Form 3 Petition** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.state.il.us/hg/library.aspx?key=Railroad%20Safety>

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

| | | |
|--|-------------------|---|
| Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590 | <u>And</u> | Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway, Room 318 Springfield, IL 62764 |
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**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

| | |
|-------------------------|--------------------------|
| PROGRESS | <input type="checkbox"/> |
| COMPLETION ¹ | <input type="checkbox"/> |

| | |
|------|-----------|
| DATE | 8/29/2006 |
|------|-----------|

PROJECT INFORMATION:

| | |
|--------------------------------------|----------------------|
| Reporting Party: | BNSF Railway Company |
| Docket/Order #; Date: | |
| Status Reports Due: | |
| Ordered Completion Date: | |
| Completion Report Due ¹ : | |
| AAR/DOT#, RR Milepost: | |
| Street, (in/near) City, County: | |
| Railroad Company: | |

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

| | |
|-------------------|--------------------------|
| Name: | CRAIG N. RASMUSSEN |
| Title: | MANAGER PUBLIC PROJECTS |
| Representing: | BNSF |
| Street Address: | 80-44th AVE NE |
| City, State, Zip: | MINNEAPOLIS, MN 55421 |
| Office Phone: | 763-782-3468 |
| Office Fax: | 763-782-3061 |
| Cellular Phone: | 612-839-0672 |
| E-Mail Address: | cr219.rasmussen@BNSF.com |

²Project Manager information to be submitted by BNSF Railway Company

DESCRIPTION OF IMPROVEMENTS ORDERED:

Close, abolish and install barricades at the TR 354/2250E highway-rail grade crossing near Galva, Henry County.

STATUS OF WORK: (use additional blank sheet, if necessary)

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| Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590 | <u>And</u> | Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway, Room 318 Springfield, IL 62764 |
|--|-------------------|---|